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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[Regional Agricultural Credit Corporation Bulletin 455]

PART 95 LOANS—SPECIAL AREAS

(AMENDMENT OF THE RULES AND REGULATIONS GOVERNING THE EXTENSION OF CREDIT BY THE WENATCHEE, WASHINGTON, BRANCH OF THE REGIONAL AGRICULTURAL CREDIT CORPORATION OF SALT LAKE CITY, UTAH, TO FRUIT GROWERS IN OKANOGAN, CHELAN, DOUGLAS AND GRANT COUNTIES, IN THE STATE OF WASHINGTON (KNOWN AS THE WENATCHEE-OKANOGAN DISTRICT))¹

FEBRUARY 8, 1941.

Pursuant to the authority of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (12 U.S.C. 1148) and Executive Order #6084 (effective May 27, 1933), the following rules and regulations are hereby promulgated:

Section 95.7 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 95.7 *Security.* All notes shall be secured by (a) crop liens or mortgages conveying a first and paramount lien on crops grown or to be grown during the current season; or (b) liens on other personal property, such as farm and orchard machinery, equipment and livestock; or (c) liens on real estate; or (d) liens on either or all the above classifications of property, any of which may be accepted as primary security.

Chap. 1, Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 95.16 *Section 91.5 (b) not applicable to Wenatchee Branch.* Sec. 91.5 (b) of Title 6 shall not be applicable to the loans made by the Wenatchee Branch

of the Regional Agricultural Credit Corporation of Salt Lake City, Utah.

[SEAL] C. C. JACOBSEN,
Director,
Regional Agricultural Credit Division.
[F. R. Doc. 41-1034; Filed, February 11, 1941;
11:22 a. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Q. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE

Introductory Note

The current revision of the Japanese beetle quarantine adds a proviso under which the Chief of the Bureau of Entomology and Plant Quarantine may, when the facts as to pest risk so warrant, modify the requirements, by making them less stringent, as to one or more of the restricted articles, or as to certain periods of the year, or certain parts of the regulated areas.

In the revision of the regulations, nominal extensions of regulated areas are made in Maryland, New York, Pennsylvania, Virginia, and West Virginia. Counties newly added in part or in entirety include Cayuga in New York; Crawford and Forest in Pennsylvania; Greensville and Rappahannock in Virginia; and Marshall in West Virginia. The cities of Petersburg and Winchester, in Virginia, are also brought under regulation. Discovery of substantial infestations of the Japanese beetle in these sections warranted their addition to the regulated areas. Additional enlargements of the regulated areas have been made to include the entire Maryland counties of Baltimore, Howard, Montgomery, and Wicomico, and additional areas in the counties of Carroll, Charles, Dorchester, Frederick, and Washington; the entire Pennsylvania counties of Butler, Venango, and Warren, and parts of Erie and Mercer Counties; additional area in Chesterfield County, Va.; and all of Ohio County in West Virginia.

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The area from which the movement of fruits and vegetables is regulated (§ 301.48-5) has been extended to include additional areas in Baltimore and Howard Counties, Md., and Berks, Lehigh, Northampton, and York Counties, Pa., and to bring in part of Cumberland County, Pa. The metropolitan New York localities and adjoining area in Fairfield County, Conn., are no longer included in this area.

Previous quarantine regulations required a certificate or permit for movement of fruits and vegetables from the area designated in § 301.48-5 to several isolated points in Maine, New York, Ohio, Pennsylvania, Vermont, and West Virginia. This requirement as related to isolated points has been removed with the exception that a certificate is required for such movement to Toledo, Ohio, and Winchester, Va., when consigned via refrigerator car or motor-truck, or in lot shipments of three pieces or more by common carrier. This section has been further revised to remove the exemption in regard to bananas. Bananas in any form moving from the area designated in § 301.48-5 via refrigerator car, or motor-truck, or by common carrier in lot shipments of three pieces or more, require certification during the period specified.

Current regulations require that refrigerator cars originating in the area designated in § 301.48-5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area, must be swept, cleaned, or fumigated by the common carrier prior to loading, and if used for loading fruits and vegetables in the area designated in that section, such cars must also be kept tightly closed and sealed during the interval between fumigating or cleaning and loading. Fruits and vegetables consigned from the area designated in § 301.48-5 by refrigerator car, must be fumigated in the car, when such action is deemed necessary by the inspector, and doors and hatches of the cars must be closed or screened.

Minor changes have also been made in §§ 301.48-6, 7, 10, 12, and 13.

This revision supersedes the twelfth revision of Notice of Quarantine No. 48, approved March 1, 1937, and the seventeenth revision of the rules and regulations supplemental thereto, as amended effective May 27, 1940.

Summary

Unless a certificate has been issued, these regulations, as now revised, prohibit the interstate movement between June 15 and October 15 (between June 1 and October 15 in the case of Accomac and Northampton Counties, Va.) of all fruits and vegetables by refrigerator car, motor-truck, or in lot shipments of three pieces or more by common carrier, from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, as defined in § 301.48-5, to or through points outside the regulated areas as defined in § 301.48-3.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or cer-

tificate has been secured. Cut flowers are restricted interstate movement only between June 15 and October 15 inclusive. For details and exceptions see §§ 301.48-6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in § 301.48-3.

These regulations also specify the conditions governing the protection of restricted articles from infestation while in transit (§ 301.48-8), require thorough cleaning of vehicles, containers, and refrigerator cars which have been used in transporting restricted products (§§ 301.48-5 and 13), and provide other safeguards and conditions as specified in the regulations.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having determined that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated the Twelfth Revision of Notice of Quarantine § 301.48, Chapter III, Title 7, Code of Federal Regulations, and rules and regulations supplemental thereto, governing the movement of (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, from any of the above-named States or the District of Columbia, into or through any other State or Territory or District of the United States, §§ 301.48-1 to 14, inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q 48, effective on and after March 1, 1937].

For the reason that it appears that the provisions of the quarantine may be safely extended to authorize the Chief of the Bureau of Entomology and Plant Quarantine to modify, by making less stringent, the requirements of the rules and regulations supplemental to the said Notice of Quarantine, I have further determined that the said quarantine should be revised. I have further determined that it is necessary to revise the regulations for the purpose of extending the reg-

ulated areas owing to the discovery of substantial infestations of the Japanese beetle in additional sections, and to make other modifications.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "JAPANESE BEETLE" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 48, as revised] is hereby amended effective February 12, 1941, to read as follows:

SUBPART—JAPANESE BEETLE

QUARANTINE

§ 301.48 *Notice of Quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), I do quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter, (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment,

such articles are considered innocuous as carriers of infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

RULES AND REGULATIONS

§ 301.48-1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infested, infestation.* The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.* Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables.* For the list of restricted fruits and vegetables see § 301.48-5.

(f) *Nursery and ornamental stock.* Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.* A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48-6. This term may apply also to potting beds,heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise

safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

(k) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.* A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.* A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.

§ 301.48-2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.48-3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

Maryland. Counties of Baltimore, Caroline, Cecil, Harford, Howard, Kent, Montgomery, Queen Anne, Somerset, Talbot, Wicomico, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County*; the city of Annapolis, and election districts Nos. 2, 3, 4, and 5, in *Anne Arundel County*; all of *Carroll County* except the election districts of Middleburg (No. 10), and Union Bridge (No. 12); election districts of La Plata (No. 1), Pomonkey (No. 7), and White Plains (No. 6), in *Charles County*; election districts of Cambridge (No. 7), Church

Creek (No. 9), East New Market (No. 2), Fork (No. 1), Hurlock (No. 15), Vienna (No. 3), and Williamsburg (No. 12), in *Dorchester County*; election districts of Ballenger (No. 23), Braddock (No. 24), Brunswick (No. 25), Buckeystown (No. 1), Burkittsville (No. 22), Emmitsburg (No. 5), Frederick (No. 2), Hauvers (No. 10), Jefferson (No. 14), Middletown (No. 3), New Market (No. 9), Petersville (No. 12), Thurmont (No. 15), and Woodville (No. 18), in *Frederick County*; all of *Prince Georges County* except the election districts of Aquasco (No. 8), and Nottingham (No. 4); election districts of Boonsboro (No. 6), Cavetown (No. 7), Clear Spring (No. 4), Conococheague (No. 13), Funkstown (No. 10), Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Ringgold (No. 14), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in *Washington County*.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; city of Auburn and the towns of Fleming, Owasco and Sennett in *Cayuga County*; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Erie County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; town of Watertown and city of Watertown, in *Jefferson County*; town of Mount Morris and village of Mount Morris, in *Livingston County*; city of Rochester and town of Brighton, in *Monroe County*; towns of Catharine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County*; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County*; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County*;

towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; the city of Coshocton, in *Coshocton County*; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County*; townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County*; the township of Newark and city of Newark, in *Licking County*; the city of Toledo, in *Lucas County*; the township of Madison and the city of Mansfield, in *Richland County*; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County*.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Geneva, Linesville, Saegertown, Springboro, Townville, Venango, and Woodcock, and the city of Meadville in *Crawford County*; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Plateau, Union City, Waterford, Watsburg, and Wesleyville, in *Erie County*; the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County*.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts

of Bermuda, Dale, Manchester and Ma-toaca, in *Chesterfield County*; town of Emporia, in *Greensville County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial districts of Hampton, Jackson and Wakefield, in *Rappahannock County*; magisterial district of Courtland, in *Spotsylvania County*; Camp Stuart, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, Ohio, and Taylor; districts of Arden, Falling Waters, Hedgesville, and Opequon, and the city of Martinsburg, in *Berkeley County*; the city of Charles-ton, in *Kanawha County*; districts of Sand Hill, Union, Washington, and Webster, in *Marshall County*; town of Keyser and district of Frankfort, in *Mineral County*, and the city of Parkersburg, and districts of Lubeck and Tygart, in *Wood County*.

§ 301.48-4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

§ 301.48-5 *Restrictions on the movement of fruits and vegetables*—(a) *Control of movement.* (1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this section, no fruits or vegetables of any kind shall be moved interstate via refrigerator car, or motortruck, or in lot shipments of three pieces or more by common carrier, from any of the areas listed below to or through any point outside the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election district No. 5 in *Anne Arundel County*; the city of Baltimore; all of *Baltimore County* except election districts Nos. 4, 5, 6, and 7; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County*; election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in *Howard County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg

(No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willard (No. 14), in *Wicomico County*.

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glen Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County*; townships of Chatham, Chester, Denville, East Hanover, Hanover, Hardin, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park, Madison, Mendham, and Morris Plains, in *Morris County*; township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County*; townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Pohatcong, and Washington, and the boroughs of Alpha and Washington in *Warren County*.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Bern, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Longswamp, Lower Alsace, Maidencreek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Pike, Richmond, Robeson, Rockland, Ruscombmanor, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Fleetwood, Kutztown, Lyons, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sinking Spring, Temple, Topton, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in *Berks County*; township of Lower Allen, and borough of New Cumberland, in *Cumberland County*; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County*; townships of Hanover, Lower Macungie, Lower Milford, Salisbury, South Whitehall, Upper Macungie, Upper Milford, Upper Saucon, and Whitehall, the city of Allentown, and the boroughs of Alburtis, Catasauqua, Coopersburg, Coplay, Emaus, Fountain Hill, and Macungie, in *Lehigh County*; townships of Forks, Hanover, Lower Nazareth, Lower Saucon, Palmer, and Williams, the cities

of Bethlehem, and Easton, and the boroughs of Glendon, Tatamy, West Easton, and Wilson, in *Northampton County*; townships of Chanceford, Conewago, East Hopewell, East Manchester, Fairview, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Newberry, and Peach Bottom, and the boroughs of Cross Roads, East Prospect, Fawn Grove, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, Stewartstown, Wrightsville, Yorkana, and York Haven, in *York County*.

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided. That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia. The counties of Accomac and Northampton.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Winchester, Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this section.

(b) *Conditions of certification.* Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, in-

clusive, when consigned from Accomac County or Northampton County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck or in lot shipments of three pieces or more by common carrier, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be re-shipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48-13).

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector,

and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

§ 301.48-6 *Restrictions on the movement of nursery and ornamental stock*—
(a) *Control of movement.* Nursery and ornamental stock as defined in § 301.48-1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in Osmunda fiber; Osmunda fiber, Osmundine, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(iii) (a) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (b) trailing arbutus, or May-flower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (a) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials; (b) mushroom spawn, in brick, flake, or pure culture form.

(v) (a) Sheet moss (*Calliergon schreberi* and *Thuridium recognitum*); (b) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (c) sphagnum moss, bog moss, or peat moss (*Sphagnaceae*); (d) dyed moss, when heat treated and appropriately labeled.

(vi) Soil-free, dried roots incapable of propagation, when appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a

certificate is required for the movement of cut flowers during the period June 15 to October 15, inclusive.

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 inclusive, for interstate movement of cut flowers from the main regulated areas to the following-named isolated points: Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Corry and Erie, Pa.; Burlington, Vt.; Winchester, Va.; and Charleston and Parkersburg, W. Va. No restrictions are placed on the interstate movement of cut flowers from the above-named isolated points.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided (a) there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas, or (b) there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approxi-

mately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (a) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (b) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (c) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, cold-frames, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (a) shall be potted

in certified soil; (b) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (c) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (d) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector be-

fore such articles are received on class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector, after reinspection and determination of freedom from infestation.

§ 301.48-7 Restrictions on the movement of sand, soil, earth, peat, compost, and manure—(a) Control of movement. Sand, soil, earth, peat, compost, and manure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand and clay when free from vegetable matter; (ii) greensand marl; and (iii) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, provided that each container of such article shall be labeled on the outside thereof as to nature of contents, except that in the case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (i) when dehydrated, shredded, ground, pulverized, or compressed, or (ii) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

(3) No restrictions are placed on the interstate movement of sand, soil, earth,

peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (b) (1), (2), or (3) hereof.

§ 301.48-8 Conditions governing the protection of restricted articles from infestation while in transit. Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain in-

tact as long as the vehicle is en route within the regulated area.

§ 301.48-9 Marking and certification a condition of interstate transportation.

(a) Every box, basket, or other container of restricted articles listed in §§ 301.48-5, 6, and 7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

§ 301.48-10 General conditions governing inspection and issuance of certificates and permits.

(a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48-5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement from a regulated area through a nonregulated area to another

regulated area, via truck or other road vehicle, of articles the interstate movement of which is restricted in §§ 301.48-6 and 7.

§ 301.48-11 Cancellation of certificates. Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

§ 301.48-12 Inspection in transit. Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by these regulations, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

§ 301.48-13 Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate. Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48-5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.

§ 301.48-14 Shipments for experimental and scientific purposes. Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Done at Washington, D. C., this 8th day of February 1941.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

**APPENDIX
PENALTIES**

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intra-state movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Delaware: Room 210, New Post Office Building, Dover, Del.

Maryland:

Room 306, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.

Japanese Beetle Inspection, Plant Introduction Garden, Glenn Dale, Md.

Washington County Annex Building, Hagerstown, Md.

Room 202, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts: 144 Moody Street, Waltham, Mass.

New Jersey:

Kotler Building, Main and High Streets, Glassboro, N. J.

P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.

New York:
 Room 838, 641 Washington Street,
 New York, N. Y.
 Room 200, 2507 James Street, Syracuse, N. Y.

Ohio: 21065 Euclid Avenue, Euclid, Ohio.
 Pennsylvania:

Room 303, Post Office Building, Harrisburg, Pa.
 6905 Torresdale Avenue, Philadelphia, Pa.
 Room 438-K, New Post Office Building, Pittsburgh, Pa.

Virginia:

Room 217, New Federal Building,
 Granby Street and Brambleton Avenue, Norfolk, Va.

17 North Boulevard, Richmond, Va.

West Virginia: County Agent's Office,
 Courthouse Building, Clarksburg, W. Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street, SW., Washington, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.

Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 41-1010; Filed, February 10, 1941;
 3:09 p. m.]

No. 29—2

TITLE 10—ARMY: WAR DEPARTMENT
 CHAPTER VI—ORGANIZED RESERVES

APPOINTMENT OF GRADUATES OF FOREIGN MEDICAL SCHOOLS IN THE MEDICAL DEPARTMENT RESERVE¹

1. Graduates of foreign medical schools are considered eligible for appointment in the Medical Corps Reserve provided they meet the following requirements:

a. Are citizens of the United States and can present satisfactory evidence of pre-medical education equivalent to the requirements of the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association.

b. Have completed a medical course of at least four academic years.

c. Have a license to practice medicine in the country in which their medical school is located.

d. Have completed not less than one year's internship in a hospital acceptable to the Council on Medical Education and the Committee on Hospitals of the American Medical Association.

e. Are eligible to take the examination given by the National Board of Medical Examiners.

f. Have a license to practice medicine in the United States. (39 Stat. 189, 48 Stat. 154, 48 Stat. 939; 10 U.S.C. 352, 353) [Letter Feb. 5, 1941 to all Corps Area and Department Commanders and to The Surgeon General (AG 210.1 Med-Res. (12-30-40) R-A)]

[SEAL]

E. S. ADAMS,
 Major General,
 The Adjutant General.

[F. R. Doc. 41-1026; Filed, February 11, 1941;
 10:15 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5038]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

REGULATIONS 103 AMENDED TO CONFORM TO SECTION 101 OF THE SECOND REVENUE ACT OF 1940

In order to conform Regulations 103² (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.) to section 101 of the

¹ See 10 CFR 61.1-61.7 for regulations governing Officers Reserve Corps.

² 5 F.R. 348, 437, 569.

Second Revenue Act of 1940 (Public, No. 801, 76th Cong., 3d sess.), approved October 8, 1940, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately preceding § 19.13-1:

SEC. 101. CORPORATION INCOME TAX. (SECOND REVENUE ACT OF 1940.)

(a) *Tax on corporations in general.* Section 13 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than \$25,000 (except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

"(1) *General rule.* A tax of 22½ per centum of the normal-tax net income; or

"(2) *Alternative tax (corporations with normal-tax net income slightly more than \$25,000).* A tax of \$3,775, plus 35 per centum of the amount of the normal-tax net income in excess of \$25,000."

• • • • •
 (e) *Taxable years to which applicable.* Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 2. Section 19.13-5, as amended by T.D. 5011,³ approved September 24, 1940, is amended by striking out in the last paragraph "\$31,964.30" wherever it appears, and by inserting in lieu thereof "\$38,565.89".

PAR. 3. Section 19.13-6, as amended by T. D. 5011, is amended by striking out "19 percent", "\$31,964.30", "\$17,385", and "17,385", wherever they appear, and by inserting in lieu thereof "22½ percent", "\$38,565.89", "\$20,221.50", and "20-221.50", respectively.

PAR. 4. Section 19.13-7, as amended by T. D. 5011, is amended by striking out "33 percent", "\$31,964.30", "\$4,154.50", "4,154.50", "19 percent", and "4,968.50", wherever they appear, and by inserting in lieu thereof "35 percent", "\$38,565.89", "\$4,177.50", "4,177.50", "22½ percent", and "5,779.15", respectively.

PAR. 5. The following is inserted immediately preceding § 19.14-1:

SEC. 101. CORPORATION INCOME TAX. (SECOND REVENUE ACT OF 1940.)

(b) *Tax on foreign corporations.* Section 14 (c) (1) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

(c) *Foreign corporations.*

"(1) In the case of a foreign corporation engaged in trade or business within the

* 5 F.R. 3838.

United States or having an office or place of business therein, the tax shall be an amount equal to $22\frac{1}{10}$ per centum of the normal-tax net income, regardless of the amount thereof."

(e) *Taxable years to which applicable.* Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 6. Section 19.14-2, as amended by T.D. 5011, is amended by striking out in the first sentence of the last paragraph "19 percent" and by inserting in lieu thereof "22 $\frac{1}{10}$ percent."

PAR. 7. The following is inserted immediately preceding § 19.15-1, as amended by T.D. 5011:

SEC. 101. CORPORATION INCOME TAX. (SECOND REVENUE ACT OF 1940.)

(d) *Defense tax for five years.* The first sentence of section 15 of the Internal Revenue Code, added to such Code by section 201 of the Revenue Act of 1940, is amended to read as follows: "In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be the tax computed without regard to this section, increased by 10 per centum; except that in the case of a corporation the increase shall be limited to 10 per centum of the tax computed without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940."

PAR. 8. The first paragraph of § 19.15-1, as amended by T.D. 5011, is stricken out, and there is inserted in lieu thereof the following:

§ 19.15-1 *Defense tax.* For taxable years beginning after December 31, 1939, and before January 1, 1945, the tax computed in accordance with chapter 1 of the Internal Revenue Code as amended without regard to section 15 (added by section 201 of the Revenue Act of 1940* and amended by section 101 (d) of the Second Revenue Act of 1940) is increased by 10 percent thereof. For the purpose of this 10 percent increase, the tax which is to be increased is computed before the application of the foreign tax credit and

* Section 201 of the Revenue Act of 1939 amended sections 13, 14, and 15 by enacting new sections 13 and 14 imposing taxes on the income of corporations for taxable years beginning after December 31, 1939, and eliminating section 15. A new section 15, providing for a defense tax, was added by section 201 of the Revenue Act of 1940.

the credit for taxes withheld at the source. In the case of a corporation, this 10 percent increase shall be computed upon the basis of the tax determined without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940.

Example. The A Corporation, a domestic corporation, has for the calendar year 1940 a net income of \$60,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of \$3,000, and dividends received (of the class allowable as credit under section 26 (b)) in the amount of \$10,000. The total tax upon the corporation is \$11,640, computed as follows:

Net income	\$60,000
Less interest on United States obligations	3,000
Adjusted net income	57,000
Less credit for dividends received (85 percent of \$10,000)	8,500
Normal-tax net income	48,500
Tax under section 13 (b) (1) as amended by section 101 (a) of the Second Revenue Act of 1940 (22 $\frac{1}{10}$ percent of \$48,500)	10,718.50
Defense tax under section 15 (10 percent of \$9,215, tax computed under section 13 (b) (1) without regard to the amendment by section 101 (a) of the Second Revenue Act of 1940 (19 percent of \$48,500))	921.50
Total tax	11,640.00

Section 15 as amended by section 101 of the Second Revenue Act of 1940 provides that the defense tax shall be based upon the normal tax computed at rates provided by section 13 (b) prior to its amendment by section 101 of the Second Revenue Act of 1940. Although, by reason of the alternative tax provisions, the normal-tax net income must amount to \$38,565.89 before the new normal tax rate of 22.1 percent is applicable, the old normal tax rate of 19 percent was applicable if the normal-tax net income amounted to \$31,964.30. Therefore, in the case of normal-tax net incomes between \$31,964.30 and \$38,565.89, the defense tax will be based on the 19 percent rate though the permanent normal tax is based on the graduated rates of the alternative tax. The normal tax rates both before and after the application

of the defense tax may be illustrated by the following table:

	Permanent rate	Temporary additional rate (defense tax)	Total normal tax rate
Corporations with normal-tax net incomes not in excess of \$31,964.30:			
First \$5,000	13.50	1.35	14.85
Next \$15,000	15.00	1.50	16.50
Next \$5,000	17.00	1.70	18.70
Next \$6,964.30	35.00	3.30	38.30
Corporations with normal-tax net incomes in excess of \$31,964.30 but not in excess of \$38,565.89:			
First \$5,000	13.50	1.90	15.40
Next \$15,000	15.00	1.90	16.90
Next \$5,000	17.00	1.90	18.90
Next \$13,565.89	35.00	1.90	36.90
Corporations with normal-tax net incomes in excess of \$38,565.89			
	22.10	1.90	24.00

PAR. 9. The following is inserted immediately preceding § 19.362-1, as amended by T.D. 5011:

SEC. 101. CORPORATION INCOME TAX. (SECOND REVENUE ACT OF 1940.)

(c) *Tax on mutual investment companies.* Section 362 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to $22\frac{1}{10}$ per centum of the amount thereof."

(e) *Taxable years to which applicable.* Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 10. Section 19.362-1, as amended by T.D. 5011, is amended by striking out in the first sentence "19 percent" and by inserting in lieu thereof "22 $\frac{1}{10}$ percent".

(This Treasury decision is issued under the authority contained in section 101 of the Second Revenue Act of 1940 (Public, No. 801, 76th Cong., 3d sess.) and section 62 of the Internal Revenue Code (53 Stat. 32).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: February 8, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-1036; Filed, February 11, 1941;
11:50 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-516]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-
LIEF IN THE MATTER OF THE PETITION OF
BITUMINOUS COAL PRODUCERS BOARD FOR
DISTRICT NO. 1, REQUESTING PRELIMINARY
AND PERMANENT ORDER FOR THE ESTAB-
LISHMENT OF MINIMUM PRICES FOR DIS-
TRICT NO. 1 COALS FOR WHICH PRICE
CLASSIFICATIONS AND MINIMUM PRICES
HAVE NOT HERETOFORE BEEN PRESCRIBED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, That a reasonable showing of the necessity therefore having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, §§ 321.7, 321.24, and 321.32 are amended by adding thereto the supplements dated January 31, 1941, which are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 31, 1941.

[SEAL] **H. A. GRAY,**
Director.

TEMPORARY SUPPLEMENT—TEMPORARY MINIMUM PRICES FOR DISTRICT NO. 1
NOTE: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index	Mine name	2 N seam	3 N seam	4 N seam	5 N seam	6 N seam	7 N seam	8 N seam	9 N seam	10 N seam	11 N seam	12 N seam	13 N seam	14 N seam	15 N seam	16 N seam	17 N seam	18 N seam	19 N seam	20 N seam	21 N seam	22 N seam	23 N seam	24 N seam	25 N seam	26 N seam	27 N seam	28 N seam	29 N seam	30 N seam	31 N seam	32 N seam	33 N seam	34 N seam	35 N seam	36 N seam	37 N seam	38 N seam	39 N seam	40 N seam	41 N seam	42 N seam	43 N seam	44 N seam	45 N seam	46 N seam	47 N seam	48 N seam	49 N seam	50 N seam	51 N seam	52 N seam	53 N seam	54 N seam	55 N seam	56 N seam	57 N seam	58 N seam	59 N seam	60 N seam	61 N seam	62 N seam	63 N seam	64 N seam	65 N seam	66 N seam	67 N seam	68 N seam	69 N seam	70 N seam	71 N seam	72 N seam	73 N seam	74 N seam	75 N seam	76 N seam	77 N seam	78 N seam	79 N seam	80 N seam	81 N seam	82 N seam	83 N seam	84 N seam	85 N seam	86 N seam	87 N seam	88 N seam	89 N seam	90 N seam	91 N seam	92 N seam	93 N seam	94 N seam	95 N seam	96 N seam	97 N seam	98 N seam	99 N seam	100 N seam	101 N seam	102 N seam	103 N seam	104 N seam	105 N seam	106 N seam	107 N seam	108 N seam	109 N seam	110 N seam	111 N seam	112 N seam	113 N seam	114 N seam	115 N seam	116 N seam	117 N seam	118 N seam	119 N seam	120 N seam	121 N seam	122 N seam	123 N seam	124 N seam	125 N seam	126 N seam	127 N seam	128 N seam	129 N seam	130 N seam	131 N seam	132 N seam	133 N seam	134 N seam	135 N seam	136 N seam	137 N seam	138 N seam	139 N seam	140 N seam	141 N seam	142 N seam	143 N seam	144 N seam	145 N seam	146 N seam	147 N seam	148 N seam	149 N seam	150 N seam	151 N seam	152 N seam	153 N seam	154 N seam	155 N seam	156 N seam	157 N seam	158 N seam	159 N seam	160 N seam	161 N seam	162 N seam	163 N seam	164 N seam	165 N seam	166 N seam	167 N seam	168 N seam	169 N seam	170 N seam	171 N seam	172 N seam	173 N seam	174 N seam	175 N seam	176 N seam	177 N seam	178 N seam	179 N seam	180 N seam	181 N seam	182 N seam	183 N seam	184 N seam	185 N seam	186 N seam	187 N seam	188 N seam	189 N seam	190 N seam	191 N seam	192 N seam	193 N seam	194 N seam	195 N seam	196 N seam	197 N seam	198 N seam	199 N seam	200 N seam	201 N seam	202 N seam	203 N seam	204 N seam	205 N seam	206 N seam	207 N seam	208 N seam	209 N seam	210 N seam	211 N seam	212 N seam	213 N seam	214 N seam	215 N seam	216 N seam	217 N seam	218 N seam	219 N seam	220 N seam	221 N seam	222 N seam	223 N seam	224 N seam	225 N seam	226 N seam	227 N seam	228 N seam	229 N seam	230 N seam	231 N seam	232 N seam	233 N seam	234 N seam	235 N seam	236 N seam	237 N seam	238 N seam	239 N seam	240 N seam	241 N seam	242 N seam	243 N seam	244 N seam	245 N seam	246 N seam	247 N seam	248 N seam	249 N seam	250 N seam	251 N seam	252 N seam	253 N seam	254 N seam	255 N seam	256 N seam	257 N seam	258 N seam	259 N seam	260 N seam	261 N seam	262 N seam	263 N seam	264 N seam	265 N seam	266 N seam	267 N seam	268 N seam	269 N seam	270 N seam	271 N seam	272 N seam	273 N seam	274 N seam	275 N seam	276 N seam	277 N seam	278 N seam	279 N seam	280 N seam	281 N seam	282 N seam	283 N seam	284 N seam	285 N seam	286 N seam	287 N seam	288 N seam	289 N seam	290 N seam	291 N seam	292 N seam	293 N seam	294 N seam	295 N seam	296 N seam	297 N seam	298 N seam	299 N seam	300 N seam	301 N seam	302 N seam	303 N seam	304 N seam	305 N seam	306 N seam	307 N seam	308 N seam	309 N seam	310 N seam	311 N seam	312 N seam	313 N seam	314 N seam	315 N seam	316 N seam	317 N seam	318 N seam	319 N seam	320 N seam	321 N seam	322 N seam	323 N seam	324 N seam	325 N seam	326 N seam	327 N seam	328 N seam	329 N seam	330 N seam	331 N seam	332 N seam	333 N seam	334 N seam	335 N seam	336 N seam	337 N seam	338 N seam	339 N seam	340 N seam	341 N seam	342 N seam	343 N seam	344 N seam	345 N seam	346 N seam	347 N seam	348 N seam	349 N seam	350 N seam	351 N seam	352 N seam	353 N seam	354 N seam	355 N seam	356 N seam	357 N seam	358 N seam	359 N seam	360 N seam	361 N seam	362 N seam	363 N seam	364 N seam	365 N seam	366 N seam	367 N seam	368 N seam	369 N seam	370 N seam	371 N seam	372 N seam	373 N seam	374 N seam	375 N seam	376 N seam	377 N seam	378 N seam	379 N seam	380 N seam	381 N seam	382 N seam	383 N seam	384 N seam	385 N seam	386 N seam	387 N seam	388 N seam	389 N seam	390 N seam	391 N seam	392 N seam	393 N seam	394 N seam	395 N seam	396 N seam	397 N seam	398 N seam	399 N seam	400 N seam	401 N seam	402 N seam	403 N seam	404 N seam	405 N seam	406 N seam	407 N seam	408 N seam	409 N seam	410 N seam	411 N seam	412 N seam	413 N seam	414 N seam	415 N seam	416 N seam	417 N seam	418 N seam	419 N seam	420 N seam	421 N seam	422 N seam	423 N seam	424 N seam	425 N seam	426 N seam	427 N seam	428 N seam	429 N seam	430 N seam	431 N seam	432 N seam	433 N seam	434 N seam	435 N seam	436 N seam	437 N seam	438 N seam	439 N seam	440 N seam	441 N seam	442 N seam	443 N seam	444 N seam	445 N seam	446 N seam	447 N seam	448 N seam	449 N seam	450 N seam	451 N seam	452 N seam	453 N seam	454 N seam	455 N seam	456 N seam	457 N seam	458 N seam	459 N seam	460 N seam	461 N seam	462 N seam	463 N seam	464 N seam	465 N seam	466 N seam	467 N seam	468 N seam	469 N seam	470 N seam	471 N seam	472 N seam	473 N seam	474 N seam	475 N seam	476 N seam	477 N seam	478 N seam	479 N seam	480 N seam	481 N seam	482 N seam	483 N seam	484 N seam	485 N seam	486 N seam	487 N seam	488 N seam	489 N seam	490 N seam	491 N seam	492 N seam	493 N seam	494 N seam	495 N seam	496 N seam	497 N seam	498 N seam	499 N seam	500 N seam	501 N seam	502 N seam	503 N seam	504 N seam	505 N seam	506 N seam	507 N seam	508 N seam	509 N seam	510 N seam	511 N seam	512 N seam	513 N seam	514 N seam	515 N seam	516 N seam	517 N seam	518 N seam	519 N seam	520 N seam	521 N seam	522 N seam	523 N seam	524 N seam	525 N seam	526 N seam	527 N seam	528 N seam	529 N seam	530 N seam	531 N seam	532 N seam	533 N seam	534 N seam	535 N seam	536 N seam	537 N seam	538 N seam	539 N seam	540 N seam	541 N seam	542 N seam	543 N seam	544 N seam	545 N seam	546 N seam	547 N seam	548 N seam	549 N seam	550 N seam	551 N seam	552 N seam	553 N seam	554 N seam	555 N seam	556 N seam	557 N seam	558 N seam	559 N seam	560 N seam	561 N seam	562 N seam	563 N seam	564 N seam	565 N seam	566 N seam	567 N seam	568 N seam	569 N seam	570 N seam	571 N seam	572 N seam	573 N seam	574 N seam	575 N seam	576 N seam	577 N seam	578 N seam	579 N seam	580 N seam	581 N seam	582 N seam	583 N seam	584 N seam	585 N seam	586 N seam	587 N seam	588 N seam	589 N seam	590 N seam	591 N seam	592 N seam	593 N seam	594 N seam	595 N seam	596 N seam	597 N seam	598 N seam	599 N seam	600 N seam	601 N seam	602 N seam	603 N seam	604 N seam	605 N seam	606 N seam	607 N seam	608 N seam	609 N seam	610 N seam	611 N seam	612 N seam	613 N seam	614 N seam	615 N seam	616 N seam	617 N seam	618 N seam	619 N seam	620 N seam	621 N seam	622 N seam	623 N seam	624 N seam	625 N seam	626 N seam	627 N seam	628 N seam	629 N seam	630 N seam	631 N seam	632 N seam	633 N seam	634 N seam	635 N seam	636 N seam	637 N seam	638 N seam	639 N seam	640 N seam	641 N seam	642 N seam	643 N seam	644 N seam	645 N seam	646 N seam	647 N seam	648 N seam	649 N seam	650 N seam	651 N seam	652 N seam	653 N seam	654 N seam	655 N seam	656 N seam	657 N seam	658 N seam	659 N seam	660 N seam	661 N seam	662 N seam	663 N seam	664 N seam	665 N seam	666 N seam	667<br

TEMPORARY SUPPLEMENT—TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1
Note: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

Note: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 1 and Supplements thereto.

1.7 Alphabetical list of code members FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

[F. R. Doc. 41-1001; Filed, February 10, 1941; 11:43 a. m.]

Docket No. A-5501

**PART 321—MINIMUM PRICE SCHEDULE,
[Locality No. 22-300]**

DISTRICT No. 1

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-
LIEF IN THE MATTER OF THE PETITION OF
DISTRICT BOARD 1 FOR THE ESTABLISH-
MENT OF PRICE CLASSIFICATIONS AND MINI-
MUM PRICES FOR THE COALS OF CERTAIN
MINES IN DISTRICT NO. 1, NOT HERETOFORE

P. ASSOCIATION OF MUSICIANS

the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations of the court.

Now, therefore, it is ordered, That a reasonable showing of the necessity thereof, shall be made to the said Board, before all supplies
thereof.

date of January 9, 1941.
NOTE: Additional prices are italicized.

NOTE: APPROPRIOPRIETIES ARE ITALICIZED.

TRUCK SHIPMENTS
§ 321.24 General prices in cents per net ton for shipment into all market areas

§ 321.32 General prices in cents per net ton for shipment into all market areas

Code member index	Mine	County	Steam	Sub. dist. No.	Mine Index No.	Code member index	Mine	Sub-District No. 1	Mine Index No.	Code member index	Mine	Sub-District No. 10	Mine Index No.
Bartlar, Fred.....	1042	Bartlar.	6	Jefferson.....	D.....	216	206	215	206	1	2	3	4
Bonner, H. C.....	1123	Bonner.	6	Jefferson.....	D.....	210	200	213	206	5	6	7	8
Carlson, Ed F. (Ed F. Carlson Coal Co.).....	605	Carlson.	6	Jefferson.....	D.....	210	200	213	206	9	10	11	11
Craig and Rankin.....	2901	Sewart Mine.	4	Clarion.....	B.....	240	215	235	200	180			
D. II. Coal Co.....	2789	D. II. Mine.	10	Cambria.....	D.....	225	205	225	200	180			
Engle and Albright (Samuel E. Engle).....	662	Selden.....	41	Somerset.....	Sew.....	250	205	215	200	180			
Finch & Nichols.....	2831	Finch & Nichols.....	6	Jefferson.....	C'.....	220	200	220	200	180			
Goodman, Merle.....	3009	Goodman.....	19	Jefferson.....	Clairfield.....	(?)	(?)	215	215	200	190		
Hill Bros. Coal Co. (W. T. Hill).....	212	Hill Bros. Coal Co. (W. T. Hill).....	8	Jefferson.....	D & E.....	200	180	210	200	190			
Hudice Paul J. (Paul J. Hudice Colliery).....	442	Lloydell #1.....	34	Cambria.....	B.....	270	255	235	215	200			
Jarrett,.....	2900	Kifer (Henry Kifer).....	1	Jefferson.....	B.....	240	215	215	200	190			
Lansbury Brothers.....	2890	Lansbury Bros. (Lansbury, Anson W. Lash, John).....	8	Jefferson.....	C.....	200	180	200	180	170			
Lowman & Shank (Norval Lowman).....	3011	Lash.....	7	Jefferson.....	C.....	200	180	200	180	170			
Mitchell, Fred.....	3012	Lowman.....	15	Jefferson.....	B.....	215	200	215	200	180			
Mitchell, John P. (Myers Coal Company).....	3013	Mitchell.....	27	Cambria.....	E.....	220	200	220	200	180			
Phillips, Elden & Boyd Phillips.....	2865	Phillips.....	42	Jefferson.....	C.....	220	200	220	200	180			
Quality Coal Co. (Quality Coal Co. Andrew Hadomsky, Andrew Russell, Thomas A. Schurz, George W. Smith, Banks).....	3014	Economy.....	18	Cambria.....	D.....	220	200	225	215	170			
Spangler, Harlan.....	2891	Russell #2.....	2	Cambria.....	E.....	230	210	230	210	170			
Spiker, Walter.....	3008	Ocean #1. Dumm.....	17	Cambria.....	B.....	230	210	230	210	170			
Stark, James & John Stark.....	3014	Beauchamp.....	43	Allegany.....	B.....	230	210	230	210	170			
Stark, John.....	3005	Smiths.....	6	Allegany.....	C.....	230	210	230	210	170			
Swindford, Cash.....	2919	Thomas #1.....	41	Jefferson.....	D.....	225	200	225	200	170			
Thomas Hill Coal Company.....	2016	Thomas #1. Will Birt.....	29	Somerset.....	Bakerstown.....	215	200	210	200	170			
Vasliko, Michael.....	3017	Tire Hill C. Co. #1.....	3	Somerset.....	C'.....	250	230	215	200	170			
Whitacre, Charles & Allen Schrock (Charles Whiteacre).....	2030	Whitacre & Schrock.....	41	Somerset.....	Pittsburgh.....	250	230	215	200	170			
Ziegler, Charles.....	2276	Ziegler.....	35	Somerset.....	C'.....	250	230	215	200	170			

Note: Additional Prices are italicized.

* For Prices see Sub-District 1 Clarion and Jefferson Counties.

Base sizes

2", and under slack

Base sizes

FEDERAL REGISTER, Tuesday, February 11, 1941

thereof, and no petitions of intervention thereto having been filed. Now, therefore, it is ordered, That a reasonable showing of the necessity therefore having been made, pending final disposition of the petitions in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 330.2 is amended by adding thereto the supplement dated January 30, 1941, and § 330.25 is amended by adding thereto the supplement dated January 30, 1941, which supplements are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petitions, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 30, 1941.

H. A. GRAY,
Director.
[SEAL]

The Director having fully considered said petitions and the data in support

TEMPORARY AND CONDITIONALLY FINAL SUPPLEMENT TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
13.....	Barr Coal Co.-----	Barr Coal Co.-----	1,924	44	Barr Ill.-----	C. & N. W. Ill. Term. C. B. & Q.
13.....	Denker Coal Company-----	Denker Coal Company-----	3,939	47	Decatur, Ill.-----	
13.....	Knoxville Mining Company-----	Knoxville Mining Company-----	3,598	98	Knoxville, Ill.-----	

¹ Mine Index No. 934 shall be included in Price Group 13 and shall take the same f. o. b. mine prices as other mines in Price Group 13, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however, that these f. o. b. mine prices apply on board transportation facilities at Decatur, Illinois.*

² Mine Index No. 568 shall be included in Price Group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however, that these f. o. b. mine prices apply on board transportation facilities at Knoxville, Illinois.* The railroad locomotive fuel prices shall be: Mine Run, \$2.00, Screenings, \$1.40 f. o. b. uses Knoxville, Illinois.

§ 330.25 General prices in cents per ton for shipment into all market areas

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																											
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 3																															
KNOX COUNTY																															
Merrifield, Edward.....	1417	Merrifield.....	6	255	250	245	255	230	225	185	165	160	155	155	155	125	115	60	...	...	...	...	...	...	...	...	...	...	...
SECTION NO. 4																															
FULTON COUNTY																															
Wilkins, John (Wilkins Coal Co.).....	1380	Wilkins.....	5	255	250	245	235	230	225	185	165	160	155	155	125	115	60	...	...	...	...	...	...	...	...	...	...	...	...
PEORIA COUNTY																															
Taylor, W. W.....	1416	Taylor Strip.....	5	255	250	245	235	230	225	185	165	160	155	155	125	115	60	...	...	...	...	...	...	...	...	...	...	...	...	...
SECTION NO. 8																															
MADISON COUNTY																															
ST. CLAIR COUNTY																															
Bunker Hill Coal & Mining Company.....	1038	Bunker Hill.....	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dewey Coal & Mining Co.-----	1061	Dewey Coal & Mining Co.-----	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Pep Coal Company.....	1077	Pep.....	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schubert Coal Company.....	1080	Schubert #1.....	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
West Side Co-Operative Coal Co. (J. H. Knob).....	1087	West Side Co-Op.....	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

[F. R. Doc. 41-1004; Filed, February 10, 1941; 11:46 a. m.]

[Dockets Nos. A-613 and A-614]

**PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10**

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 NOT HERETOFORE CLASSIFIED AND PRICED

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 not heretofore classified and priced; and It appearing that the above-entitled matters raise analogous issues; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.2 and § 330.25 are amended by adding thereto the supplements dated January 31, 1941, which are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: January 31, 1941.

[SEAL]

H. A. GRAY,
Director.

FEDERAL REGISTER, Wednesday, February 12, 1941

923

SUPPLEMENT R—TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

Note: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers

Producer	Mine	Shipping point	Railroad
13 Panther Creek Mines, Inc.	Panther Creek #2,	9451 52 Springfield, Ill.	Alton & B. & O.

¹ Mine Index No. 945 shall be included in Price Group 13 and shall take the same f.o.b. mine prices as other mines in Price Group 13. Schedule No. 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f.o.b. mine prices apply on board transportation facilities at Springfield, Illinois, at the tipple of Panther Creek #4 and #5 mines. The railroad locomotive fuel prices shall be: Mine Run, \$1.95; Modified Mine Run, \$2.00; Screenings, \$1.40; and shall take the following exceptions: I-B, 2-B, 3-A, 28, 40, 49.

SUPPLEMENT T—TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

Note: The material contained in this "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas

Code number index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 1 LIVINGSTON COUNTY South Side Coal Co.	1224	South Side.....	.....	325	330	315	305	300	295	240	285	205	200	200	170	160	105	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
SECTION NO. 5 SCOTT COUNTY Walk, A. A.	1425	.....	.....	255	250	245	235	230	225	170	165	160	155	155	125	115	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
SECTION NO. 6 SHELBY COUNTY Bly, Delmar and Homer Nees.....	1426	Bly & Nees.....	.....	6	280	275	270	260	255	245	165	160	155	155	125	115	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
SECTION NO. 8 ST. CLAIR COUNTY Shelby Valley Coal Co.	1418	Shelby Valley.....	.....	6	245	240	235	225	220	215	165	145	145	145	115	105	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[F. R. Doc. 41-1000; Filed, February 10, 1941; 11:43 a. m.]

TRUCK SHIPMENTS
§ 334.24 General prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	County	Sub dist. No.	Prices and size group Nos.																
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Bell, Dwight	474	Blue Branch	Johnson	2	425	385	425	385	425	385	425	385	425	385	425	385	425	385	425	385	
Brooks, Bart	453	Brown	Logan	3	425	385	425	385	425	385	425	385	425	385	425	385	425	385	425	385	
Brown, J. W.	468	Byrd	Haskell	7	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	
Byrd, Leslie	456	Coffman and Estep (J. L. Coffman)	Logan	3	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	
East Fort Smith Coal Company	466	Cook	Sebastian	5	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	
Ford Coal Company, Jas. N. (Ford)	465	Branner	Sebastian	5	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	
Gossett, Tip	464	H & M Coal Co.	Franklin	2	425	385	425	385	425	385	425	385	425	385	425	385	425	385	425	385	
Hall & Clem (J. O. Hall)	471	Hall & Clem	Franklin	4	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	
Handy Andy Coal Co. (S. A. Connaughton)	460	Handy Andy	Logan	3	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385
Hopkins & Lester Coal Co. (M. L. Hopkins)	469	No. 1	Franklin	2	425	385	425	385	425	385	425	385	425	385	425	385	425	385	425	385	425
Keener Coal Company	212	Keener No. 2	Le Flore	7	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370
Keener Coal Company	213	Keener No. 3	La Flore	7	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370
Kilcrease & Lewis (A. J. Kilcrease)	450	Paradise	Johnson	2	385	395	385	395	385	395	385	395	385	395	385	395	385	395	385	395	385
Liles, W. J.	453	Liles #1	Le Flore	8	400	385	400	385	400	385	400	385	400	385	400	385	400	385	400	385	400
Midget Coal Mine (Luther Gabbard)	459	Liles	Logan	3	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370
Morgan, E. H.	462	Logan	2	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385
Neilsen, Leonard G.	457	Nehins	Franklin	2	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385
Shiloh Coal Co. (W. T. Wright)	461	Shiloh Coal Co.	Pope	1	450	425	450	425	450	425	450	425	450	425	450	425	450	425	450	425	450
Templeton Coal Co. (J. R. Templeton)	455	Templeton	Le Flore	9	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370	385	370
Timmons, Blake (Blake Timmons Coal Company)	473	Timmons	Logan	3	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385	385

[F. R. Doc. 41-1002; Filed, February 10, 1941; 11:46 a. m.]

PRICES ESTABLISHED FOR THE COALS OF THE WRIGHT MINE (MINE INDEX NO. 1209) IN SAID DISTRICT

Petitions pursuant to the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named parties wherein they request temporary and permanent relief in the matter of establishing price classifications and minimum prices for the coals of certain mines in District No. 15 not heretofore classified and priced; and It appearing that except for their coals in Size Group No. 14 the relief requested by the petitioners in Dockets Nos. A-465 to A-471, inclusive, has been heretofore granted temporarily with provision made for it becoming permanent in Docket No. A-476 and that the entire relief sought by the petitioner in Docket No. A-472 has been heretofore granted temporarily with provision made for it becoming permanent in Docket No. A-476; also that the petitioners in Docket No. A-476 requests for the petitioners in Docket Nos. A-465 to A-470, A-471, A-472, and A-476, PART 335—MINIMUM PRICE SCHEDULE, DISTRICT No. 15

ORDER GRANTING ADDITIONAL TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A-476, MISSING DOCKETS NOS. A-465 TO A-472, INCLUSIVE, AND CANCELING THE HEARING SET THEREIN IN THE MATTER OF THE PETITIONS OF FRANK NEDJEDLY, KRIESBROS. AND FISHER, ED STONE, LEE CROSS AND SON, JOE DAVIS, HENRY C. FREEMAN, W. F. SMITH, AND W. F. KRIESBROS. CODE MEMBERS IN DISTRICT NO. 15, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS IN SIZE GROUPS AND MINIMUM PRICES FOR SHIPMENT BY RAIL OF THE COALS OF CERTAIN MINES IN SAID DISTRICT AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 NOT HERETOFORE CLASSIFIED AND PRICED AND FOR REVISION OF MINIMUM

(45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and *It is further ordered*, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order; and It further appearing that on the occasion of the hearing as to permanent relief in Dockets Nos. A-465 to A-472, inclusive, none of the petitioners appeared either in person or by counsel and that no evidence was there offered on their behalf therein. Now, therefore, it is hereby ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the subject matter of said petition, additional temporary relief in the premises and the Director having duly considered said petition and the subject matter thereof; Now, therefore, it is hereby ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the subject matter of said petition, the supplement dated January 31, 1941, which is hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five

H. A. GRAY,
Director.
[Sgd.]

Dated: January 31, 1941.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members (rail)*

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine Index No.	Code member	Mine name	Production group No. Freight origin group No.	Price classification by size group														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
559	Cross & Sons, Lee (Leon Cross).	Cross.....	3 112															A
613	Davis, Joe	Joe Davis.....	3 112															A
329	Freeman, Henry C.	Freeman.....	3 112															A
750	Kribbs Bros. & Fisher (Chas. Kribbs).	Kribbs.....	3 112															A
751	Kribbs Coal Co., W. F.	W. F. Kribbs.....	3 112															A
863	Nedjedly Brothers	Nedjedly Bros.....	3 112															A
971	Smith, W. F.	No. 2.....	3 112															A
994	Stoner, Ed	.....	3 112															A

A is Market Area list price as listed in Price Schedule No. 1.

[F. R. Doc. 41-999; Filed, February 10, 1941; 11:42 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1300 *Military and naval retirement pay.* Disability compensation or pension may not be awarded to a veteran for any period during which he receives retirement pay or retainer pay as a member of the Fleet Reserve or retains his retired status with the Military or Naval services. However, where a claim for disability compensation or pension is filed by a retired officer or enlisted man, such claim will be fully developed and adjudicated to the point where it may be ascertained what pecuniary benefits are payable. The applicant will be duly informed of the amount of compensation or pension which would be payable except for his retirement status and instructed to notify the Veterans' Administration and the proper service department whether he desires that his retired status be terminated. Upon receipt of notice from the respective service department of the termination of the retired status compensation or pension otherwise payable may be awarded from the date following the termination of the retired status. In all instances, including the claims of Philippine Scouts, where retirement pay has heretofore been terminated by the appropriate service department upon the basis of a waiver or otherwise and compensation or pension has been awarded it will be considered that the veteran's retirement status was properly terminated and that the veteran had elected to receive compensation or pension and the awards will be continued. (Comp. Gen. Dec. A-25279, dated 6-28-29, 7-25-40, and

12-6-40) (February 11, 1941) [48 Stat. 9; 38 U.S.C. 707]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1011; Filed, February 10; 1941; 3:48 p. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

ACCRUED AMOUNTS DUE AND UNPAID AT DEATH

§ 5.2662 *Accrued benefits.* Pension, compensation or emergency officers retirement pay, not paid during the lifetime of the person entitled thereto under Public No. 2, 73d Congress (Act of March 20, 1933), sections 26, 27, 28, and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), Public No. 304, 75th Congress (Act of August 16, 1937) excepting sections 1 and 2 (see § 5.2664) or Public No. 198, (Act of July 19, 1939) excepting sections 1, 2 and 3 (see § 5.2664), shall upon the death of such person be paid under § 35.021 (e) as follows:

* * * * *

(f) *Definition of term "child" for accrued claims.*—For the purposes of this paragraph the term "child" shall mean a legitimate child, a child legally adopted, or an illegitimate child, but as to the father, only if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child, under the age of eighteen years at the date of death of the veteran or widow. (§ 35.021) (February 15, 1941) [48 Stat. 9; 38 U.S.C. 707]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1012; Filed, February 10, 1941; 3:48 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES OF CLASS III

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of February, A. D. 1941.

The subject of the requirement of annual reports from steam railway companies being under consideration:

It is ordered:

1. That the order of this Commission dated January 18, 1940,¹ In the Matter of Annual Reports from Steam Railway Companies of Class III be, and it is hereby, annulled.

2. That all steam railway companies of Class III within the scope of Section 20, Part I, of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1940, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-1035; Filed, February 11, 1941; 11:47 a. m.]

Notices

WAR DEPARTMENT.

INDUCTION OF CERTAIN NATIONAL GUARD UNITS, EFFECTIVE MARCH 3, 1941 AND MARCH 5, 1941

FEBRUARY 7, 1941.

To: Commanding General, Second Army, 44 South, Second Street, Memphis, Tennessee.

1. Pursuant to and in compliance with the provisions of Executive Order Number 8633,³ January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, the dates indicated below are hereby announced as the effective dates of induction for the following organizations:

¹ 5 F.R. 280.

² Filed as part of the original document.

³ 6 F.R. 415.

Unit	State	Date of induction
40th Division	Calif., Utah	Mar. 3, 1941
115th Observation Squadron	Calif.	Mar. 3, 1941
33d Division	Ill.	Mar. 5, 1941
107th Cavalry	Ohio	Mar. 6, 1941

2. Separate instructions are being transmitted for the troop movements to be made following induction.

3. Governors and State Adjutants General of states concerned are being furnished copies of this letter.

By order of the Secretary of War.

[SEAL]

WM. W. DICK,
Adjutant General.

[F. R. Doc. 41-1025; Filed, February 11, 1941; 10:15 a. m.]

[Contract No. W 953 ORD 865]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL PNEUMATIC COMPANY, INCORPORATED

Contract for: * * * Guns * * * and Extra Parts therefor.

Amount: \$1,412,227.95.

Place: Watervliet Arsenal, Watervliet, New York.

This Contract, entered into this 17th day of June 1940.

Scope of this contract. The contractor shall furnish and deliver:

* * * Guns,	* * * \$1,256,500.00
* * * Extra parts	155,727.95

Total 1,412,227.95

for the consideration stated in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within

the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages will be assessed for each day's delay in delivery of the complete guns and parts in excess of the promised date at the rate of * * * % of the contract price per gun for each gun or part not delivered within the time specified in accordance with Article on Liquidated Damages. Total liquidated damages assessed against any one gun shall, however, not exceed * * * % of its cost.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1017; Filed, February 11, 1941; 10:12 a. m.]

[Contract No. W 953 ORD 1099]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL PNEUMATIC COMPANY, INCORPORATED

Contract for: * * * Guns * * * and Extra Parts therefor.

Amount: \$5,904,526.43.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof.

O. S. & S. A. 1940-41 ORD 7154 P11-3030A 1005-01.

O. S. & S. A. 1940-41 ORD 7154 P11-3030 A (1005).105-01.

This Contract, entered into this 14th day of September 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, * * *, including extra parts, \$5,904,526.43, for the consideration stated in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated Damages will be assessed for each day's delay in delivery of the guns and extra parts, in excess of the promised date at the rate of * * * % of the unit price for each gun not delivered within the time specified in accordance with article on liquidated damages. Total liquidated damages assessed against any one gun shall, however, not exceed * * * % of its cost.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1018; Filed, February 11, 1941; 10:12 a. m.]

[Contract No. W 883 Ord-2501]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORRIS STAMPING AND MANUFACTURING COMPANY

Contract for Cartridge Cases, * * * Howitzer, * * *.

Amount \$2,664,000.00.

Place: San Francisco Ordnance District, 118 Federal Office Building, San Francisco, California.

The supplies to be purchased by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 6877 P 11-0270 A 1005-01, the available balance of which is sufficient to cover the cost of same. This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

This Contract, entered into this 12th day of November, 1940.

Scope of this Contract. The contractor shall furnish and deliver Cases, Cartridge, * * * Howitzer, * * *, for the consideration Two million, six hundred sixty four thousand dollars (\$2,664,-

000.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The Contractor will perform the work under this contract in the factory or factories listed below:

Norris Stamping and Manufacturing Company, Los Angeles, California

Advance payment. The Government agrees to advance to the Contractor the sum of Seven hundred ninety-seven thousand four hundred (\$797,400.00) dollars without interest as soon as practicable after the signing of this contract and approval by The Assistant Secretary of War.

It is mutually agreed that, as a condition precedent to the advance of funds, as indicated in Paragraph (a) of this Article, the Contractor will furnish the Government with surety bond or other adequate security satisfactory to The Secretary of War for the full amount of the advance payment herein agreed upon.

The Contractor agrees to liquidate the full amount of the advance payment here authorized as follows:

Deduction of * * * % from any and all payments made by the Government, under the terms of this contract until the advance payment is fully liquidated.

In the event of termination of the contract resulting from default or unjustified delay, the contractor agrees to return to the Government, upon demand, the outstanding balance of any advance payment.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1016; Filed, February 11, 1941;
10:12 a. m.]

[Contract No. W 6708-qm-155]

SUMMARY OF CONTRACT FOR CONSTRUCTION
CONTRACTOR: N. P. SEVERIN COMPANY, 222
WEST ADAMS STREET, CHICAGO, ILLINOIS

Contract for: Construction and completion of * * * Hangars.

Amount: \$1,450,799.00.

Place: Howard Field, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth therein, and are chargeable to Procurement Authorities noted below, the available balances of which are sufficient to cover the cost of same:

QM 3414 P 1-3211 A 0540.035-N, C. of
B. U. & A. at MP. No Year, \$1,450,799.00.

This Contract, entered into this 29th day of November, 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction and completion of * * * Hangars at Howard Field, Canal Zone, for the consideration of one million four hundred fifty thousand seven hundred ninety nine and no/100 (\$1,450,799.00) Dollars; in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

Liquidated damages. Added. If the Contractor delays the completion of the work under this contract beyond the time for completion stated in the contract, then the Contractor shall pay the United States as fixed, agreed and liquidated damages, the stated amounts.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1019; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W 303 ord-904]

SUMMARY OF CONTRACT FOR SUPPLIES
CONTRACTOR: THE ELECTRIC AUTO-LITE
COMPANY

Contract for: Booster, * * * (Sets of Metal Parts); Fuze, * * * (Sets of Metal Parts).

Amount: \$1,917,006.60.

Place: Cleveland Ordnance District,
1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authorities ORD 6882 P11-0270 A1005-01 for Item 1 and ORD 6862 P11-0270 A1005-01 for Item 2 and Item 3, the available balances of which are sufficient to cover cost of same.

This Contract, entered into this 25th day of November 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Booster * * * (Sets of Metal Parts) * * * Fuze * * * (Sets of Metal Parts) for the consideration stated One Million, Nine Hundred Seventeen Thousand, Six Dollars and Sixty Cents (\$1,917,006.60), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

The Electric Auto-Lite Company Plant, Toledo, Ohio.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1013; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 6708-qm-159]

SUMMARY OF CONTRACT FOR CONSTRUCTION
CONTRACTOR: N. P. SEVERIN COMPANY, 222
WEST ADAMS STREET, CHICAGO, ILLINOIS

Contract for: Construction and completion of Miscellaneous Buildings.

Amount: \$1,128,200.00.

Place: Albrook Field, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth therein, and are chargeable to Procurement Authorities quoted below, the available balance of which is sufficient to cover the cost of same:

QM 8650 P 1-3211 A 0540.004-N, C. of
B. U. & A. No Yr.

QM 8652 P 1-3211 A 0540.064-N, C. of
B. U. & A. No Yr.

QM 3414 P 1-3211 A 0540.035-N, C. of
B. U. & A. at MP No Yr.

This Contract, entered into this 6th day of December 1940.

Statement of work. The contractor shall furnish the materials and perform the work for the construction and completion of the buildings at Albrook Field, Canal Zone for the consideration of one million one hundred twenty eight thousand two hundred and no/100 (\$1,128,200.00) dollars, in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

Liquidated damages. (Added.) If the Contractor delays the completion of the work under this contract beyond the time for completion stated in the Contract, then the Contractor shall pay the United States as fixed, agreed and liquidated damages the stated amounts.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1021; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W 294 ord-712]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION,
GUIDE LAMP DIVISION, ANDERSON, INDIANA

Contract for: * * * Case Cartridge * * *

Amount: \$4,872,900.00.

Place: The Cincinnati Ordnance District, 1229 The Enquirer Bldg., Cincinnati, Ohio.

The material to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to the Procurement Authority (294) ORD 6871, P11-0270 A 1005-01 the available balance of which is sufficient to cover same.

This Contract, entered into this 22d day of December, 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Case, Cartridge, * * * for the consideration stated four million eight hundred seventy-two thousand, nine hundred dollars (\$4,872,900.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government as fixed, agreed and the liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * % and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Guide Lamp Division of General Motors Corporation, Anderson, Indiana.

Payments. The Contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either one thousand Dollars (\$1,000) or Fifty (50) percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and the unit prices specified in Article 1, subject to the price adjustments specified in Article 33, such option to be exercised within * * * days from date of this contract.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1014; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 978 eng-1903]

SUMMARY OF CONTRACT FOR SUPPLIES
CONTRACTOR: FRUEHAUF TRAILER COMPANY

Contract for: Semi-Trailers and Dollies.

Amount: \$1,115,096.00.

Place: Office, Chief of Engineers, 1st & M Streets, N. E., Washington, D. C.

This Contract, entered into this Twenty-seventh day of December 1940.

Scope of this contract. The contractor shall furnish and deliver Semi-trailers and Dollies for the consideration stated One Million One Hundred Fifteen Thousand, Ninety-six Dollars and 00/100 (\$1,115,096.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1024; Filed, February 11, 1941;
10:14 a. m.]

[Contract No. W-670-ORD-1710]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PHILCO CORPORATION

Contract for: * * * Fuze,
* * * (Sets of Metal Parts)

Amount: \$2,113,590.00

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pa.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-6863-P11-0270-A1005-01, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 30th day of December 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Fuze * * * for the consideration stated of Two Million, One Hundred Thirteen Thousand, Five Hundred Ninety Dollars (\$2,113,590.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the

materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Philco Corporation, Philadelphia, Pa.

This contract is authorized by the following law: The Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1015; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 478 ORD-1300]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SCOVILL MANUFACTURING COMPANY

Contract for: Cases, Cartridge * * *, Fuzes * * *, Boosters, * * *
Amount: \$6,007,530.

Place: Hartford Ordnance District, 95 State Street, Springfield, Mass.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 6858 P 11-0270 A-1005-01
ORD 6870 P 11-0270 A-1005-01
ORD 6884 P 11-0270 A-1005-01

This Contract, entered into this 7th day of January 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Cases, Cartridge, * * *, Fuzes * * *, Boosters, * * * for the consideration stated, a total of six million seven thousand five hundred and thirty dollars (\$6,007,530.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufac-

tured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option, to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Scovill Manufacturing Company, Waterbury, Connecticut.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1020; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W-1106-eng-5151]

**SUMMARY OF COST-PLUS-A-FIXED-FEE
CONSTRUCTION CONTRACT**

CONTRACTOR: M. T. REED CONSTRUCTION CO.

Fixed-fee: \$62,000.00.

Contract for: Construction of a complete camp, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Jackson Airport and Camp, Jackson, Mississippi.

Estimated cost of project: \$1,459,710.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

Eng-528 P 99 A-0540.063-N, and Eng-529 P 99 A-0540.068-N.

This Contract, entered into this 10th day of January 1941.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a complete camp, including necessary buildings, railroad spurs, streets, temporary structures, utilities and appurtenances thereto at the Jackson Airport, Jackson, Mississippi.

It is estimated that the total cost of the construction work covered by this contract will be approximately One million three hundred thousand dollars (\$1,300,000.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of Sixty two thousand dollars (\$62,000.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the government.

Payments

Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract authorized by the following laws:

Public, No. 611—76th Congress, approved June 13, 1940.

Public, No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1022; Filed, February 11, 1941;
10:14 a. m.]

[Contract No. W-1106-eng-5154]

**SUMMARY OF COST-PLUS-A-FIXED-FEE
CONTRACT FOR ARCHITECT-ENGINEER
SERVICES**

ARCHITECT-ENGINEER: BLACK AND VEATCH

Amount fixed fee: \$15,000.00.

Estimated cost of construction project: \$1,459,710.00.

Type of construction project: Construction of a complete camp, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Jackson Airport and Camp, Jackson, Mississippi.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng-528 P 99 A-0540.063-N. and Eng-529 P 99 A-0540.068-N. the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 11th day of January 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a complete camp, including necessary buildings, railroad spurs, streets, temporary structures, utilities and appurtenances thereto, at Jackson Airport, Jackson, Mississippi, and estimated to cost one million, four hundred, fifty-nine thousand, seven hundred ten and 00/100 Dollars (\$1,459,710.00) and to be completed within * * * days from the date hereof.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of Fifteen Thousand Dollars (\$15,000.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, received bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracting Officer may at any time by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws: Public No. 611—76th Con-

gress, approved June 13, 1940, and Public No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1023; Filed, February 11, 1941;
10:14 a. m.]

RAILROAD RETIREMENT BOARD.

[R.R.B. Jurisdictional Docket No. 16]

IN THE MATTER OF THE STATUS OF THE
BURLINGTON TRANSPORTATION COMPANY
UNDER THE RAILROAD UNEMPLOYMENT
INSURANCE ACT

NOTICE OF PLACE OF HEARING

Notice is hereby given that the hearing¹ in this matter on Wednesday, February 19, 1941, at 10:00 a. m., will be held in the North Court Room of the Post Office Building, Omaha, Nebraska.

By Authority of the Board.

Dated: February 10, 1941.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[F. R. Doc. 41-1027; Filed, February 11, 1941;
10:31 a. m.]

[R.R.B. Jurisdictional Docket No. 17]

IN THE MATTER OF THE STATUS OF THE
UNION PACIFIC STAGES, INCORPORATED,
UNDER THE RAILROAD UNEMPLOYMENT
INSURANCE ACT

NOTICE OF PLACE OF HEARING

Notice is hereby given that the hearing² in this matter on Tuesday, February 25, 1941, at 10:00 A. M., will be held in Room 220 of the Post Office Building, Salt Lake City, Utah.

By Authority of the Board.

Dated: February 10th, 1941.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[F. R. Doc. 41-1028; Filed, February 11, 1941;
10:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-674]

IN THE MATTER OF WILKES-BARRE & EASTERN RAILROAD COMPANY 5% FIRST MORTGAGE GOLD BONDS DUE 1942

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities

Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% First Mortgage Gold Bonds due 1942 of Wilkes-Barre & Eastern Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered. That said application be and the same is hereby granted, effective at the close of the trading session on March 12, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1032; Filed, February 11, 1941;
11:19 a. m.]

[File No. 1-970]

IN THE MATTER OF ALLIED STORES CORPORATION 4 1/2% FIFTEEN-YEAR SINKING FUND DEBENTURES DUE 1950

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of February, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 4 1/2% Fifteen-Year Sinking Fund Debentures due 1950 of Allied Stores Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered. That the matter be set down for hearing at 10 A. M. on Wednesday, March 5, 1941, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered. That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1030; Filed, February 11, 1941;
11:19 a. m.]

¹ Authorized by Board Order 40-724 dated December 19, 1940, 6 F.R. 536, January 18, 1941.

² Authorized by Board Order 41-21 dated January 16, 1941, 6 F.R. 557, January 22, 1941.

[File No. 812-120]

IN THE MATTER OF AMERICAN EUROPEAN SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940, for an order for exemption from the provisions of section 10 (b) (3) of said Investment Company Act;

It is ordered. That a hearing on the application of the above named applicant under and pursuant to section 6 (c) of said Investment Company Act be held on February 25, 1941, at 10:00 o'clock in the forenoon of that day in Room 1102A of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C.

It is further ordered. That William Swift, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1029; Filed, February 11, 1941;
11:19 a. m.]

IN THE MATTER OF HARRY M. LENARTZ & COMPANY, 767 NORTH WATER STREET, MILWAUKEE, WISCONSIN

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

Appearances: A. L. Hoffman of the Chicago Regional Office of the Commission, for the Trading and Exchange Division.

This proceeding was commenced under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Harry M. Lenartz & Company should be suspended or revoked. Pursuant to an order of the Commission dated January 4, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner in Chicago, Illinois, on January 15, 1941.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the registrant which tended to show that:

(a) Harry M. Lenartz, president of registrant, was convicted on November 12, 1940, in the Circuit Court, Milwaukee County, Wisconsin, of a felony arising out of the business of a broker and dealer.

(b) During the period from about August 4, 1937, to about December 1, 1939, registrant sold its own common and preferred stock to various persons by falsely representing its assets and by falsely representing that the investment in the stock would be insured by insurance similar to that provided for certain bank deposits. In order to facilitate the sale of the stock, registrant paid dividends out of capital and sold stock without disclosing to purchasers that it had operated at a loss, had no earnings from which to pay dividends, and that dividends were in fact being paid out of capital.

(c) On or about June 10, 1938, Harry M. Lenartz, president and the person in control of registrant, organized the Lenartz Investment Company and during the period from about June 10, 1938, to about March 1, 1940, registrant sold stock of Lenartz Investment Company to various persons by falsely representing the purpose for which the proceeds from the sale of the stock would be used; by falsely representing that the investment in the stock of the company was similar to a bank deposit and that the investor would receive interest on the investment; by falsely representing that the investor could have his money returned to him at any time he desired; and by falsely representing that the sale of the stock had been approved by an agency of the State of Wisconsin. In order to facilitate the sale of this stock, Harry M. Lenartz, who was in control of both registrant and Lenartz Investment Company, caused said Lenartz Investment Company to pay dividends out of capital, and registrant sold the stock without disclosing to the purchasers that Lenartz Investment Company had operated at a loss, had no earnings from which to pay dividends and that dividends were in fact being paid out of capital.

(d) On or about January 23, 1940, Harry M. Lenartz and others organized a company called Lenartz Securities, Inc., and during the period from about February 1, 1940, to about March 1, 1940, registrant sold stock of this company to various persons by falsely representing the purpose for which the proceeds from the sale of the stock would be used. In order to facilitate the sale of the stock, Harry M. Lenartz, who was in control of both registrant and Lenartz Securities, Inc., caused Lenartz Securities, Inc., to pay dividends out of capital and Lenartz sold this stock without disclosing to purchasers that Lenartz Securities, Inc., had

operated at a loss, had no earnings from which to pay dividends and that dividends were in fact being paid out of capital.

(e) During the period from January 1, 1937, to May 29, 1940, registrant sold securities placed in safekeeping with it by various customers without authority from such customers and converted the proceeds to its own use.

(f) While engaging in the acts and practices set forth in Paragraphs (b), (c), (d), and (e) above, registrant made use of the mails and means and instruments of transportation and communication in interstate commerce.

The hearing was ordered to determine whether the facts reported by the staff are true; whether registrant wilfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and, if so, whether it is in the public interest to revoke or suspend the registrant's registration as a broker and dealer.

No representative of the registrant appeared at the hearing but the record contains a document entitled "Answer and Consent to Revocation of Registration," signed by the registrant's representative and duly authorized by its board of directors, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges for the purposes of this proceeding only the existence of the facts and the cause of action set out in the Commission's order, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant has violated Section 17 (a) of the Securities Act of 1933 and Section 15 (c) (1) of the Securities Exchange Act of 1934; and that it is in the public interest to revoke or suspend registration. Upon an independent review of the record we adopt these findings of the trial examiner and further find that it is in the public interest to revoke registration.

It is therefore ordered. Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Harry M. Lenartz & Company as a broker and dealer be and it hereby is revoked.

By the Commission (Chairman Frank, Commissioners Healy, Eicher, and Pike), Commissioner Henderson being absent and not participating.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1033; Filed, February 11, 1941;
11:20 a. m.]

[File No. 70-250]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 11th day of February, A. D. 1941.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than February 27th, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Company proposes to issue and sell (a) \$16,000,000 principal amount of First Mortgage Bonds, Series A, 3%, due February 1, 1971, and (b) 83,500 shares of 5% Preferred Stock, Cumulative, of the par value of \$100 per share and to apply the proceeds from the sale of said securities, together with other moneys of the Company, to the redemption of \$16,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 4%, due February 1, 1966, of the Company, \$3,213,100 par amount of outstanding Seven Per Cent Prior Lien Stock of the Company and \$5,136,900 par amount of outstanding Six Per Cent Prior Lien Stock of the Company.

The Company proposes to offer to the holders of its outstanding Seven Per Cent Prior Lien Stock and Six Per Cent Prior Lien Stock the privilege of exchanging their shares for the new Preferred Stock with a cash adjustment for the difference between the redemption price of the shares now outstanding and the initial public offering price of the new Preferred Stock. Shares not taken under the exchange offer are proposed to be offered publicly.

The voting rights proposed to be accorded the Preferred Stock covered by this declaration will have the effect, in certain contingencies, of decreasing the voting power of the shares of Common Stock of the Company now outstanding.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1031; Filed, February 11, 1941;
11:19 a. m.]